

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-43 were previously cancelled.

Claims 44-82 were previously withdrawn.

Claim 85 is currently being cancelled.

Claims 83, 87, 91, and 94 are currently amended.

Claims 84, 86, 88-90, 92-93, and 95-97 were previously presented.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 44-84 and 86-97 are now pending in this application.

Claim Rejections – 35 U.S.C. § 102 (e)

Claims 83, 84 and 86-97 were rejected under § 102 (e) as being anticipated by, or, in the alternative, under § 103 (a) as being obvious, by U.S. Patent No. 6,609,108 by Pulliam et al. Applicants respectfully traverse the Examiner's characterization of Pulliam as being generic and applicable to any and all vehicles and submits that Pulliam does not anticipate or render obvious that which is disclosed and claimed in the present application and specifically in claims 83, 84 and 86-97.

Independent Claim 83

Claim 83 was rejected under § 102 (e) as being anticipated by, or, in the alternative, under § 103 (a) as being obvious, by U.S. Patent No. 6,609,108 by Pulliam et al. Pulliam does not teach or suggest Claim 83 because Pulliam does not teach or suggest (i) "generating data relating

to the electric vehicle, the data representing a plurality of vehicle information, the plurality of vehicle information including price, locations, dates, inventory, and specification information, the plurality of vehicle information further including a customized combination of select vehicle information selectable by a user, wherein the customized combination comprises a plurality of the following: shipping data, module type, graphics, source data, trademark, and certification marks” or (ii) generating vehicle data wherein “the electric vehicle includes a principal power unit that is not a battery, a power storage unit, a plurality of wheels, an electric motor coupled to at least one wheel, a drive controller coupled to the electric motor, a vehicle controller having an input and output terminal, the vehicle controller being coupled to the drive controller and a data bus network, and an AC bus assembly coupled to the principal power unit, the power storage unit, and the electric motor through the drive controller.”

In connection with the first limitation of independent claim 83, the Examiner cites column 11, lines 26-35 of the Pulliam reference. Specifically, it appears the Examiner’s position is that Pulliam teaches this aspect of claim 83. The cited section of Pulliam refers to a “locate inventory” step, which is defined as accessing and searching a vehicle inventory database for pricing, inventory, location and configuration information in order to track a vehicle that matches a consumer’s request (Pulliam, col. 10, lines 64-67; col. 11, lines 1-45). However, the first limitation of independent claim 83 teaches the step of “generating data relating to the electric vehicle, the data representing a plurality of vehicle information ... the plurality of vehicle information further including a customized combination of select vehicle information selectable by a user, wherein the customized combination comprises *a plurality* of the following: shipping data, module type, graphics, source data, trademark, and certification marks.” Pulliam does not teach or suggest “vehicle information further including *a customized combination* of select vehicle information selectable by a user, wherein the customized combination comprises *a plurality* of the following: shipping data, module type, graphics, source data, trademark, and certification marks,” as set out in combination with the other elements of independent claim 83 of the present application. The customized combination of the present claim requires a plurality

of select vehicle information, none of which is taught or suggested in the Pulliam reference. For this reason and others, claim 83 is allowable over Pulliam.

Secondly, the Examiner states that the content of the data (i.e., the vehicle specifications) bears no relational nexus to the method claim. (*See* Office Action, p.4, lines 9-13) Specifically, the Examiner states that “the specific data is not required to fulfill the claimed steps” and that “there is no function being performed by the method that is unique to the type of vehicle data specified.” In response, the Applicants respectfully traverse the Examiner’s assertion and resubmit that the claimed method is based on data that is novel and non-obvious and has a direct relational nexus with the content of the data, being novel and non-obvious vehicle data relating to a novel and non-obvious electric vehicle. (*See* U.S. Patent No. 6,757,597 by Yakes et al., hereinafter “the ‘597 patent”.) Simply stated, if the information content of the vehicle data is novel and non-obvious, the transmission or transfer of that data (i.e., the data representing a plurality of vehicle information including a customized combination of select vehicle information selectable by a user) is also novel and non-obvious. Accordingly, the Applicants submit that the method of claim 83 (a) has a direct “relational nexus” to the content of the data (i.e., the novel and non-obvious electric vehicle) and (b) is novel and non-obvious because the content of the data is novel and non-obvious, in accordance with the presumed validity of the ‘597 patent. *See* 35 U.S.C. § 282. Therefore, Pulliam does not teach or suggest claim 83 for the aforementioned reasons.

Dependent claims 84 and 86 incorporate by reference the limitations of independent claim 83, and are therefore allowable for the same reasons that claim 83 is allowable. Additionally, applicants respectfully submit that the previously presented dependent claims recite additional novel and non-obvious features which are not taught or suggested by Pulliam.

Independent Claim 87

Claim 87 was rejected under § 102 (e) as being anticipated by, or, in the alternative, under § 103 (a) as being obvious, by U.S. Patent No. 6,609,108 by Pulliam et al. Claim 87 was rejected on similar grounds as independent claim 83. Specifically, Pulliam does not teach or suggest

claim 87 because Pulliam does not teach or suggest a method of communicating data over a network comprising the step of “generating data relating to the electric vehicle, the data representing a plurality of vehicle information, the plurality of vehicle information including price, locations, dates, inventory, and specification information, the plurality of vehicle information further including a customized combination of select vehicle information selectable by a user, wherein the customized combination comprises a plurality of the following: shipping data, module type, graphics, source data, trademark, and certification marks.” Accordingly, independent claim 87 is believed to be allowable over Pulliam for the same reasons that claim 83 is allowable.

Dependent claims 88-90 incorporate by reference the limitations of independent claim 87, and are therefore allowable for the same reasons that claim 87 is allowable. Additionally, applicants respectfully submit that the previously presented dependent claims recite additional novel and non-obvious features which are not taught or suggested by Pulliam.

Independent Claim 91

Claim 91 was rejected under § 102 (e) as being anticipated by, or, in the alternative, under § 103 (a) as being obvious, by U.S. Patent No. 6,609,108 by Pulliam et al. Claim 91 was rejected on similar grounds as independent claim 83. Specifically, Pulliam does not teach or suggest claim 91 because Pulliam does not teach or suggest a method of “generating data relating to the electric vehicle, the data representing a plurality of vehicle information, the plurality of vehicle information including price, locations, dates, inventory, and specification information, the plurality of vehicle information further including a customized combination of select vehicle information selectable by a user, wherein the customized combination comprises a plurality of the following: shipping data, module type, graphics, source data, trademark, and certification marks.” Accordingly, independent claim 91 is believed to be allowable over Pulliam for the same reasons that claim 83 is allowable.

Dependent claims 92-93 incorporate by reference the limitations of independent claim 91, and are therefore allowable for the same reasons that claim 91 is allowable. Additionally,

applicants respectfully submit that the previously presented dependent claims recite additional novel and non-obvious features which are not taught or suggested by Pulliam.

Independent Claim 94

Claim 94 was rejected under § 102 (e) as being anticipated by, or, in the alternative, under § 103 (a) as being obvious, by U.S. Patent No. 6,609,108 by Pulliam et al. Claim 94 was rejected on similar grounds as independent claim 83. Specifically, Pulliam does not teach or suggest claim 94 because Pulliam does not teach or suggest a method of communicating over a network comprising the step of “generating data relating to the electric vehicle, the data representing a plurality of vehicle information, the plurality of vehicle information including price, locations, dates, inventory, and specification information, the plurality of vehicle information further including a customized combination of select vehicle information selectable by a user, wherein the customized combination comprises a plurality of the following: shipping data, module type, graphics, source data, trademark, and certification marks.” Accordingly, independent claim 94 is believed to be allowable over Pulliam for the same reasons that claim 83 is allowable.

Dependent claims 95-97 incorporate by reference the limitations of independent claim 94, and are therefore allowable for the same reasons that claim 94 is allowable. Additionally, applicants respectfully submit that the previously presented dependent claims recite additional novel and non-obvious features which are not taught or suggested by Pulliam.

* * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

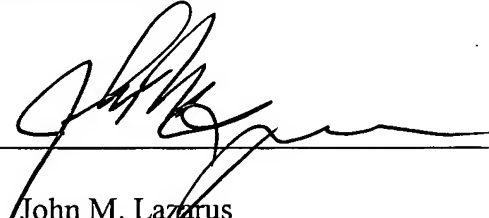
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date AUGUST 7, 2006

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

By 
John M. Lazarus
Attorney for Applicant
Registration No. 48,367